

Purchased/Filed: June 27, 2008

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

State of New York

U. S. District Court

Southern Dist. County

Joseph Rodriguez

Plaintiff

against

Empire Resorts, Inc.

Defendant

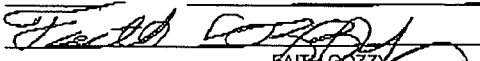
STATE OF NEW YORK) COUNTY OF ALBANY) SS CITY OF ALBANY)	DESCRIPTION OF PERSON SERVED: Approx. Age: 45 Yrs. Weight: 120 Lbs. Height: 5' 0" Sex: Female Color of skin: White Hair color: Brown Other:
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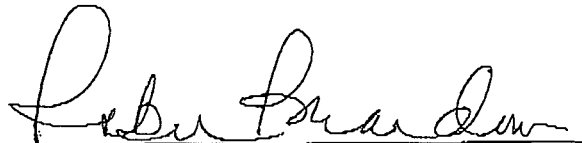
Robin Brandow, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on July 18, 2008, at 10:40 am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action & Complaint, Practices of Judge Stephen C. Robinson and Electronic Case Filing on Empire Resorts, Inc., the Defendant in this action, by delivering to and leaving with Carol Vogt, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section BUSINESS CORPORATION LAW §306.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

18th day of July, 2008


FAITH GOZZY
NOTARY PUBLIC, State of New York
No. 01CO6158874, Albany County
Commission Expires Jan 8, 2011


Robin Brandow

Invoice/Work Order # 0813557